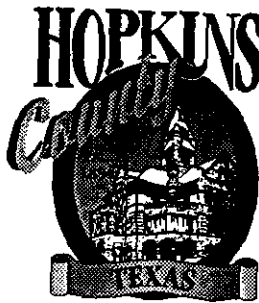


Treva Watson  
Assistant Auditor



Barbara L. Vanginault  
Assistant Auditor

Suzanne N. Bauer  
Auditor

December 16, 1997

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DEC 19 1997

Opinion Committee

RQ-1056

Sarah Shirley, Chairman  
Opinion Committee  
Office of the Texas State Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

FILE # ML-39984-97  
I.D. # 39984

Dear Ms. Shirley:

Because the County Attorney would be affected by an opinion on this matter, I respectfully request an opinion on the following questions:

1. Whether the County Attorney has the authority to contract (defer prosecution) with defendants in misdemeanor cases and, if there is such authority, whether it is appropriate for the County Attorney not to file the case with the court if the defendant pays a sum of money to organizations such as Crime Stoppers, D.A.R.E., Sheriff Posse, the Hopkins County Law Library, or Hopkins County as part of the terms and conditions of the agreement?
- 2a. Whether the County Attorney can receive and allocate moneys received from such contractual agreements (deferred prosecutions)?
- or
- 2b. Whether the moneys received from such contractual agreements (deferred prosecutions) can be received by the County Treasurer and credited to the designated recipient as provided for in the contract?

Sincerely,

A handwritten signature in cursive script that reads "Suzanne Bauer".  
Suzanne Bauer  
Hopkins County Auditor